

**UNITED STATES DISTRICT COURT  
FOR THE  
SOUTHERN DISTRICT OF TEXAS**

**ENTERED**

August 14, 2018

David J. Bradley, Clerk

UNITED STATES OF AMERICA

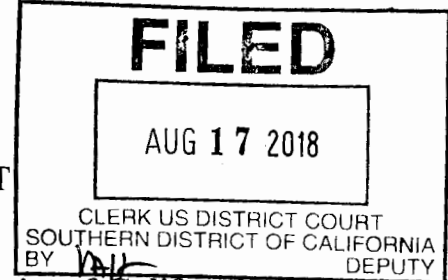
*versus*

Miguel Angel Marquez-Martinez

§  
§  
§  
§  
§

16cr 813-H

Case No. 4:18-mj-01275

**COMMITMENT TO ANOTHER DISTRICT**

The defendant has been ordered to appear in the **Southern District of California, San Diego division, in 3:16cr813 (charging District's case number).**

The defendant requested court appointed counsel. Federal Public Defender appointed.

The defendant remains in custody after the initial appearance.

**IT IS ORDERED:** The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date: August 14, 2018

*[Signature]*  
\_\_\_\_\_  
Nancy K. Johnson  
United States Magistrate Judge

United States District Court  
Southern District of Texas  
FILED

AUG 13 2018

David J. Bradley, Clerk of Court

# UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States District Court  
Southern District of Texas  
FILED

AUG 13 2018

David J. Bradley, Clerk of Court

United States of America  
v.

Miguel Angel Marquez  
Defendant

Case No.

Charging District's Case No.

4:18MJ1275

16CR83-DD1-H

## WAIVER OF RULE 32.1 HEARING (Violation of Probation or Supervised Release)

I understand that I have been charged with violating the conditions of probation or supervised release in a case pending in another district, the (name of other court) S.D. Cal

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of certified copies of the judgment, warrant, and warrant application, or reliable electronic copies of them if the violation is alleged to have occurred in another district;
- (4) a preliminary hearing to determine whether there is probable cause to believe a violation occurred if I will be held in custody, and my right to have this hearing in this district if the violation is alleged to have occurred in this district; and
- (5) a hearing on the government's motion for my detention in which I have the burden to establish my eligibility for release from custody.

I agree to waive my right(s) to:

- ☒ an identity hearing and production of the judgment, warrant, and warrant application.
- ☐ a preliminary hearing.
- ☐ a detention hearing.
- ☐ an identity hearing, production of the judgment, warrant, and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date:

8/13/18

*Mg*

Defendant's signature

Signature of defendant's attorney

Soshua Lake

Printed name of defendant's attorney

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**ENTERED**

August 14, 2018

David J. Bradley, Clerk

UNITED STATES OF AMERICA

§

§

*versus*

§

Case No. 4:18-mj-01275

§

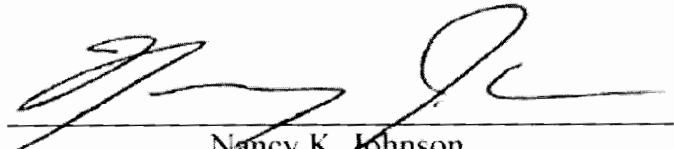
Miguel Angel Marquez-Martinez

§

**Order Appointing Counsel**

Because the above named defendant has testified under oath or has otherwise satisfied this court that he or she (1) is financially unable to employ counsel, and (2) does not wish to waive counsel, and because the interests of justice so require, the Federal Public Defender is hereby appointed to represent this person in the above designated case.

Signed on August 14, 2018.



Nancy K. Johnson  
United States Magistrate Judge

PROB 12C  
(06/17)

August 7, 2018  
pacts id: 1837932

UNITED STATES DISTRICT COURT  
FOR THE  
SOUTHERN DISTRICT OF CALIFORNIA

United States Courts  
Southern District of Texas  
FILED

August 13, 2018

Petition for Warrant or Summons for Offender Under Supervision

David J. Bradley, Clerk of Court

4:18mj1275

Name of Offender: Miguel Angel MARQUEZ-Martinez (English)

Dkt No.: 16CR00813-001-H

Reg. No.: 88370-308

Name of Sentencing Judicial Officer: The Honorable Marilyn L. Huff, Senior U.S. District Judge

Original Offense: 18 U.S.C. § 1001, False Statement to a Federal Officer, a Class D felony.

Date of Sentence: February 21, 2017

Sentence: Nine months' custody, three months' custody (*Special Conditions: Refer to Judgment and Commitment Order.*)

Modification: On February 12, 2018, conditions of supervised release were modified to include a drug/alcohol treatment condition, mental health treatment condition, and placement at a halfway house for a period of up to six months.

Type of Supervision: Supervised Release

Date Supervision Commenced: August 10, 2017

Asst. U.S. Atty.: Jarad E. Hodes

Defense Counsel: Martin Molina  
(Appointed)  
619-640-5810

Prior Violation History: Yes. See prior court correspondence.

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PETITIONING THE COURT

TO ISSUE A NO-BAIL BENCH WARRANT



PROB12(C)

Name of Offender: Miguel Angel MARQUEZ-Martinez  
Docket No.: 16CR00813-001-H

August 7, 2018  
Page 2

The probation officer believes that the offender has violated the following condition(s) of supervision:

**CONDITION(S)**

**ALLEGATION(S) OF NONCOMPLIANCE**

**(Mandatory Condition)**

The defendant shall not illegally possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. Submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter. Testing requirements will not exceed submission of more than four (4) drug tests per month during the term of supervision, unless otherwise ordered by the court. (nv3)

1. On July 10, and 26, 2018, Mr. Miguel Angel Marquez-Martinez failed to comply with drug testing requirements as instructed by the probation officer, in that he failed to submit urine specimens at Career and Recovery Resources, Inc. (CRR), as required.

**(Special Condition)**

Participate in a program of drug or alcohol abuse treatment, including drug testing and counseling, as directed by the probation officer. Allow for reciprocal release of information between the probation officer and the treatment provider. May be required to contribute to the costs of services rendered in an amount to be determined by the probation officer, based on ability to pay. (nv21)

2. On July 18, 23, 25, and 30, 2018, and June 5, 2018, Mr. Miguel Angel Marquez-Martinez failed to attend drug treatment counseling at Career and Recovery Resources, Inc. (CRR), as required.

**Grounds for Revocation:** As to Allegations 1 and 2, I have received email notification from CRR which confirms that Mr. Marquez-Martinez failed to report for drug testing and drug treatment counseling sessions on the dates cited above. The offender commenced attending drug testing and treatment counseling services at CRR in March 2018, and was required to report four times monthly for individual/group counseling sessions and twice monthly for urinalysis. Mr. Marquez-Martinez reported to the probation office on August 2, 2018, and was asked of his treatment/testing "no shows" outlined herein. Per the offender, he stated that he did not feel like going to treatment. He missed the drug tests because he was already testing at the halfway house where he resides and did not believe he needed to report. Probation notes, however, that upon commencing services at CRR in March 2018, Mr. Marquez-Martinez was specifically instructed to report for urinalysis, as directed. CRR monthly treatment reports for the previous months of May and June 2018 show the offender attended drug tests at the program, during which time he also submitted to urinalysis at the halfway house.

PROB12(C)

Name of Offender: Miguel Angel MARQUEZ-Martinez  
Docket No.: 16CR00813-001-H

August 7, 2018  
Page 3

## **VIOLATION SENTENCING SUMMARY**

### **SUPERVISION ADJUSTMENT**

Since releasing from custody in this case in August 10, 2017, Mr. Marquez-Martinez has been supervised in the Southern District of Texas, while jurisdiction remained with the Southern District of California. His release from immigration custody was granted pending asylum proceedings. In a violation report dated February 9, 2018, Your Honor was notified of the offender's admitted use of cocaine on or about January 1, and 18, 2018. The Court was also advised of the offender's housing instability in the community during that time. As recommended by probation, Your Honor imposed no adverse action in response to the drug use violations in favor of modifications of supervised release to include conditions for drug/mental health treatment, as well as a non-punitive placement at a community confinement center/halfway house. Mr. Marquez-Martinez subsequently entered a halfway house and commenced drug treatment/testing services at CRR. He also commenced mental health therapy at Legacy Community Health in May 2018, relative to his diagnosis for PTSD and Bipolar Disorder.

In a second violation report to the Court dated March 29, 2018, Your Honor was notified of the offender's admitted use of methamphetamine and cocaine on or about February 16, 2018. As recommended by probation, the Court imposed no adverse action in response to the drug use violations, in favor of continuing drug/mental health treatment services. Your Honor specifically instructed probation to "continue to monitor and encourage compliance."

The current allegations cited herein indicate Mr. Marquez-Martinez continues to struggle with compliance with the orders of the Court. Further and despite having no alternative housing resources, the offender has demonstrated a negative adjustment at the halfway house. Specifically, a halfway house incident report dated July 31, 2018, detailed the offender was found to be in the community on that date, elsewhere from the drug treatment services program he was supposed to attend at that time. When confronted by probation on August 2, 2018, about this RRC program violation, Mr. Marquez-Martinez, admitted his misconduct and stated he went to purchase hygiene items and search for an apartment instead of attending his counseling program. Based on the foregoing, the offender's adjustment is considered poor.

### **OFFENDER PERSONAL HISTORY/CHARACTERISTICS**

Per the presentence report (PSR), it was determined that the offender is a transgender individual who identifies as female and prefers the name "Angel." He is 34 years-old, single, and has no dependents. The PSR cites a long-standing history of physical and sexual abuse, as well as housing and employment instability. He has a significant drug/mental health history reaching back to age 15. His criminal record is extensive and is sustained during the last ten years. Mr. Marquez-Martinez has convictions for menacing, criminal trespass, disorderly conduct, obstruction of justice, misrepresenting identity, sexual imposition, contempt of court, theft, assault, domestic violence, grand theft, robbery, and attempted alien reentry. The PSR indicates the offender is a non-U.S. Citizen who has been deported on February 5, 2013, and June 16, 2014. As previously noted, Mr. Marquez-Martinez was released from immigration custody in this case pending asylum proceedings.



PROB12(C)

Name of Offender: Miguel Angel MARQUEZ-Martinez  
Docket No.: 16CR00813-001-H

August 7, 2018  
Page 4

## **SENTENCING OPTIONS**

### **CUSTODY**

**Statutory Provisions:** Upon the finding of a violation, the court may modify the conditions of supervision; extend the term (if less than the maximum authorized term was previously imposed); or revoke the term of supervised release. 18 U.S.C. § 3583(e)(2) and (3).

If the court revokes supervised release, the maximum term of imprisonment upon revocation is 2 years. 18 U.S.C. § 3583(e)(3).

**USSG Provisions:** The allegations (failure to participate in drug treatment services and failure to submit to urinalysis) constitute Grade C violations. USSG § 7B1.1(a)(3), p.s.

A Grade C violation with a Criminal History Category VI (determined at the time of sentencing) establishes an **imprisonment range of 8 to 14 months**. USSG § 7B1.4, p.s.

### **REIMPOSITION OF SUPERVISED RELEASE**

If supervised release is revoked and the offender is required to serve a term of imprisonment, the court can reimpose supervised release upon release from custody. The length of such a term shall not exceed the term of supervised release authorized by statute for the offense that resulted in the original term of supervised release, less any term of imprisonment imposed upon revocation. 18 U.S.C. § 3583(h).

In this case, the court has the authority to reimpose a term of 36 month(s) supervised release, less any term of imprisonment imposed upon revocation. 18 U.S.C. § 3583(b).

### **JUSTIFICATION FOR BENCH WARRANT**

The Court has previously reported the offender's multiple incidents of cocaine and methamphetamine use during the course of supervision. The cited allegations indicate of the offender's missed drug tests and apparent refusal to participate in rehabilitation. He has also misrepresented his whereabouts to the halfway house. Based on the foregoing, the offender is viewed as an affirmative danger to the community and flight risk. This officer respectfully recommends that a warrant of arrest be issued in order to gain the offender's presence before the Court.

### **RECOMMENDATION/JUSTIFICATION**

Although Mr. Marquez-Martinez is before the Court for the first time facing violation proceedings, his extensive and varied criminal history indicates of his propensity for criminality. Despite being afforded housing, subsistence, drug/mental health treatment services from the Court and Probation, the offender's adjustment on supervision is marked by multiple drug use incidents, and an aversion to rehabilitation. His admitted misconduct at the halfway house is also notable. The current allegations for failing to attend drug treatment and urinalysis are serious breaches of the Court's trust.

PROB12(C)

Name of Offender: Miguel Angel MARQUEZ-Martinez  
Docket No.: 16CR00813-001-H

August 7, 2018  
Page 5

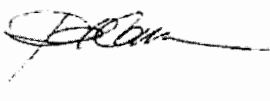
Should the Court find Mr. Marquez-Martinez in violation as cited herein, this officer respectfully recommends that supervised release be revoked. A custodial sanction at the low-end of the Guidelines (eight months) appears appropriate to hold the offender accountable for his recurring violation conduct. A two-year term of supervised release is recommended to follow, under the current terms and conditions, in order to ensure his sobriety and to afford him the necessary treatment resources toward achieving his goals. An additional non-punitive placement at an RRC of up to 120 days is also recommended, toward assisting in the offender's transition into the community.


I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 7, 2018

Respectfully submitted:  
DAVID J. SULTZBAUGH  
CHIEF PROBATION OFFICER

Reviewed and approved:

by   
Robert Carreon  
Senior U.S. Probation Officer  
(619) 409-5148

  
Julia Jauregui  
Supervising U.S. Probation Officer



PROB12CW

August 7, 2018

**VIOLATION SENTENCING SUMMARY**

1. **Defendant:** MARQUEZ-Martinez, Miguel Angel
2. **Docket No. (Year-Sequence-Defendant No.):** 16CR00813-001-H
3. **List Each Violation and Determine the Applicable Grade (See USSG § 7B1.1):**

<u>Violation(s)</u>	<u>Grade</u>
<u>Failure to participate in a drug treatment program</u>	<u>C</u>
<u>Failure to submit to urinalysis</u>	<u>C</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
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4. **Most Serious Grade of Violation (See USSG § 7B1.1(b))** [ C ]
5. **Criminal History Category (See USSG § 7B1.4(a))** [ VI ]
6. **Range of Imprisonment (See USSG § 7B1.4(a))** [ 8 to 14 months ]

7. **Unsatisfied Conditions of Original Sentence:** List any restitution, fine, community confinement, home detention, or intermittent confinement previously imposed in connection with the sentence for which revocation is ordered that remains unpaid or unserved at the time of revocation (See USSG § 7B1.3(d)):

Restitution (\$)	<u>                    </u>	Community Confinement	<u>                    </u>
Fine(\$)	<u>                    </u>	Home Detention	<u>                    </u>
Other	<u>                    </u>	Intermittent Confinement	<u>                    </u>

PROB12(C)

Name of Offender: Miguel Angel MARQUEZ-Martinez

August 7, 2018

Docket No.: 16CR00813-001-H

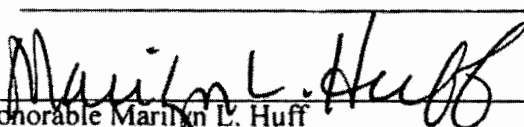
Page 7

**THE COURT ORDERS:**

X AGREE. A NO-BAIL BENCH WARRANT BE ISSUED BASED UPON A FINDING OF PROBABLE CAUSE TO BRING THE OFFENDER BEFORE THE COURT TO SHOW CAUSE WHY SUPERVISED RELEASE SHOULD NOT BE REVOKED FOR THE ALLEGED VIOLATIONS.

\_\_\_\_\_ DISAGREE. THE ISSUANCE OF A SUMMONS ORDERING THE OFFENDER TO APPEAR BEFORE THE COURT ON \_\_\_\_\_, AT \_\_\_\_\_, TO SHOW CAUSE WHY SUPERVISED RELEASE SHOULD NOT BE REVOKED.

\_\_\_\_\_ Other \_\_\_\_\_

  
The Honorable Marilyn L. Huff  
Senior U.S. District Judge

Date

8/9/18

mac

CLOSED

**U.S. District Court  
SOUTHERN DISTRICT OF TEXAS (Houston)  
CRIMINAL DOCKET FOR CASE #: 4:18-mj-01275 All Defendants  
Internal Use Only**

Case title: USA v. Marquez-Martinez  
Other court case number: 3:16cr813 California Southern  
District Court - San Diego

Date Filed: 08/13/2018  
Date Terminated: 08/14/2018

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Assigned to: Magistrate Judge Nancy K  
Johnson

**Defendant (1)**

**Miguel Angel Marquez-Martinez**  
*TERMINATED: 08/14/2018*

represented by **Federal Public Defender - Houston**  
440 Louisiana  
Ste 310  
Houston, TX 77002  
713-718-4600  
Fax: 713-718-4610  
Email: hou\_ecf@fd.org  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Public Defender or*  
*Community Defender Appointment*

**Pending Counts**

None

**Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Highest Offense Level (Terminated)**

None

**Complaints**

Supervised Release Violation


**Disposition**

**Disposition**

**Disposition**

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**Plaintiff****USA**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
08/13/2018	<u>1</u>	Copy of Petition for Warrant for Offender Under Supervision from the California Southern District Court - San Diego Division 3:16cr813 as to Miguel Angel Marquez-Martinez, filed.(kmurphyadi, 4) (Entered: 08/13/2018)
08/13/2018		Arrest (Rule 40) of Miguel Angel Marquez-Martinez. (kmurphyadi, 4) (Entered: 08/13/2018)
08/13/2018		***Set Hearing as to Miguel Angel Marquez-Martinez: Initial Appearance - Rule 40 set for 8/13/2018 at 02:00 PM before Magistrate Judge Nancy K Johnson (kmurphyadi, 4) (Entered: 08/13/2018)
08/13/2018		Minute Entry for proceedings held before Magistrate Judge Nancy K Johnson: INITIAL APPEARANCE IN RULE 5(c)(3) PROCEEDINGS as to Miguel Angel Marquez-Martinez held on 8/13/2018. Defendant requests appointed counsel. Financial Affidavit executed orally. Order appointing Federal Public Defender. Defendant ordered removed to originating district. Deft WAIVED Identity hearing and will have other hearings in the charging district. Appearances:AUSA C. Feasel; FPD J. Lake.(ERO:Yes) (Interpreter:No) Deft remanded to Custody, filed.(sjones, 4) (Entered: 08/14/2018)
08/13/2018	<u>2</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER. Federal Public Defender - Houston for Miguel Angel Marquez-Martinez ( Signed by Magistrate Judge Nancy K Johnson) Parties notified. (sjones, 4) (Entered: 08/14/2018)
08/13/2018	<u>3</u>	WAIVER of 32.1 Hearing by Miguel Angel Marquez-Martinez, filed. (sjones, 4) (Entered: 08/14/2018)
08/13/2018	<u>4</u>	COMMITMENT TO ANOTHER DISTRICT as to Miguel Angel Marquez-Martinez. Defendant committed to the Southern District of California. ( Signed by Magistrate Judge Nancy K Johnson) Parties notified. (sjones, 4) (Entered: 08/14/2018)
08/14/2018		RULE 5 Papers sent via email to Southern District of California Division as to Miguel Angel Marquez-Martinez, filed.(sjones, 4) (Entered: 08/14/2018)
08/14/2018		(Court only) ***Case Terminated as to Miguel Angel Marquez-Martinez (sjones, 4) (Entered: 08/14/2018)